

**MINUTES  
REGULAR MEETING  
GREENWOOD COUNTY COUNCIL  
TUESDAY, MAY 1, 2018  
GREENWOOD COUNTY LIBRARY  
5:30 P.M.**

**MEMBERS PRESENT**

Chairman Steven J. Brown, District Five  
Vice-Chairman Chuck Moates, District Four  
Councilwoman Edith S. Childs, District One  
Councilman Mark Allison, District Two  
Councilman Gonza Bryant, District Three  
Councilman Robbie Templeton, District Six  
Councilman Theo Lane, District Seven

**STAFF PRESENT**

Toby Chappell, County Manager  
Elizabeth Taylor, County Attorney

**CALL TO ORDER**

Chairman Steven Brown called the meeting to order at 5:35 p.m.

In accordance with the Freedom of Information Act, notice of this meeting's date, time, location, and agenda was posted outside the main entrances of the Greenwood County Courthouse and the Greenwood County Library. Agendas were distributed to the *Index-Journal*, local radio stations, and posted on the Greenwood County website calendar.

**INVOCATION**

Councilman Robbie Templeton, District Six, delivered the invocation.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited in unison.

**APPROVAL OF THE TUESDAY APRIL 17, 2018 MINUTES**

Chairman Brown stated that the minutes were provided prior to the meeting and asked if there were any corrections to the minutes.

There were no corrections. Councilwoman Childs motioned to approve the minutes, seconded by Councilman Bryant, and the minutes passed by a unanimous vote.

**ACTION: Council approved the Tuesday, April 17, 2018 Minutes.**

**PRESENTATION**

None

## **PUBLIC COMMENT (Sign-In Only)**

Edward McCallum, 340 Oak & Main Street, Greenwood spoke on the agenda item listed in New Business Section “B” – Ordinance 2018-11 relating to Emerald City Marina. Chairman Brown informed Mr. McCallum that a Public Hearing has been advertised for the next meeting. Mr. McCallum asked to clarify and stated that he represents the property owner, Mr. Kellett. He asked to clarify the Agenda item title, which may not be completely informed. He described the reason for the zoning request by the property owner. He feels that the request should be a correction to the original zoning as opposed to a rezoning request. Chairman Brown responded by saying that Mr. Lindler clarified the request just as Mr. McCallum presented.

## **OLD BUSINESS**

- A. Consideration to approve Covenants and Restrictions for the North Greenwood Industrial Park – Toby Chappell, County Manager

Chairman Brown read the title and stated that Council received an explanation of the request in the previous meeting and asked for the pleasure of Council. Councilman Mark Allison motion to approve, seconded by Councilwoman Childs, and the motion carried by unanimous vote.

***ACTION: Council approved the Covenants and Restrictions for the North Greenwood Industrial Park as presented.***

- B. Consideration of Final Approval for Bailey Bill at 332 Main Street, Units 302 and 303 (Textile Building) as a Rehabilitated Historic Property – Phil Lindler, Planning Director

Chairman Brown read the title and reported that Council was given a full explanation of the request in the previous meeting. He stated that there was discussion in the meeting that if Council approved the request at this meeting that Council make it conditional upon the issuance of the Certificate of Occupancies by the Building Officials. Chairman Brown asked for the pleasure of Council. Councilman Bryant motioned to approve based upon the stated condition, seconded by Councilman Lane, and the motion carried by unanimous vote.

***ACTION: Council approved the Bailey Bill at 332 Main Street, Units 302 and 303 as presented conditional upon the issuance of the Certificate of Occupancies.***

- C. Third Readings

1. Ordinance 2018-07 authorizing the amendment of the Fee-In-Lieu-Of-Tax Agreement heretofore originally entered into between Greenwood County, South Carolina and Colombo Energy, Inc., and assigned to Enviva Pellets Greenwood, LLC in order to modify the provisions thereof pertaining to Special Source Revenue Credits and other provisions therein; and other matters relating thereto. – Elizabeth Taylor, County Attorney

**THIRD READING**

Chairman Brown read the title and asked for the pleasure of Council. Councilman Allison motioned to approve the Third Reading of Ordinance 2018-07, seconded by Councilman Lane, and the motion carried by unanimous vote.

**ACTION: Council approved the Third Reading of Ordinance 2018-07.**

D. Public Hearings and Third Readings

The Chairman asked for a motion to enter into the Public Hearing portion of the Agenda. Councilman Moates motioned to enter into public hearings, seconded by Councilman Bryant, and the motion carried by unanimous vote.

**ACTION: Council entered into the Public Hearing portion of the Agenda.**

1. Ordinance 2018-08 authorizing the execution and delivery of a fee agreement by and between Greenwood County, South Carolina and Capsugel Manufacturing, Inc. providing for a payment of a Fee-In-Lieu-Of-Taxes, the issuance of Special Source Revenue Credits, and other matters related thereto. – Elizabeth Taylor, County Attorney  
**THIRD READING**

Chairman Brown read the title and asked if there was anyone present to speak in favor of the ordinance.

Chairman Brown asked if anyone was present to speak in opposition to the ordinance.

Hearing none, the Chairman closed this portion of the public hearing and asked Council their pleasure on the Third Reading of the ordinance.

Councilman Allison motioned to approve the Third Reading of Ordinance 2018-08, seconded by Councilman Bryant, and the motion carried by unanimous vote.

**ACTION: Council approved the Third Reading of Ordinance 2018-08.**

2. Ordinance 2018-09 authorizing an amended and restated Fee-In-Lieu-Of-Tax and Incentive Agreement by and between Greenwood County, South Carolina and Capsugel Manufacturing, Inc. providing for an extension of the term thereof, the addition of certain Special Source Revenue Credits, and other matters related thereto. – Elizabeth Taylor, County Attorney  
**THIRD READING**

Chairman Brown read the title and asked if there was anyone present to speak in favor of the ordinance.

Chairman Brown asked if anyone was present to speak in opposition to the ordinance.

Chairman Brown asked if anyone would like to provide any information to the public or to the media regarding the project. Mr. Travis Dover spoke on behalf of Capsugel stating that they will be adding approximately 50,000 square feet, some additional

manufacturing lines, additional finished products for pharmaceutical and consumer health and nutrition. He added that there are 30 jobs and a \$46,000,000 investment. Chairman Brown commented that Council is thrilled and thanked them for their investment and their continued partnership with Greenwood County.

The Chairman closed this portion of the public hearing and asked Council their pleasure on the Third Reading of the ordinance.

Councilman Allison motioned to approve the Third Reading of Ordinance 2018-09, seconded by Councilwoman Childs, and the motion carried by unanimous vote.

**ACTION: Council approved the Third Reading of Ordinance 2018-09.**

## **NEW BUSINESS**

- A. Resolution 2018-10 considering the ADA – Reasonable Accommodation Policy and Grievance Procedure – Rossie Corwon, County Engineer

Chairman Brown read the title and mentioned that Ms. Corwon received confirmation that if the resolution referenced the Reasonable Accommodation Policy and Grievance Procedure policy, all that Council needed to do was approve the resolution. Chairman Brown asked for the pleasure of Council. Councilman Moates motion to approve, seconded by Councilwoman Childs, and the motion carried by unanimous vote.

**ACTION: Council approved Resolution 2018-10.**

- B. First Readings

1. Ordinance 2018-10 to amend the Greenwood County Zoning Ordinance, being Ordinance 13-86, as and if amended, so that one parcel of land owned by Steven and Katherine Michael, approximately 2.45 acres, located at 1105 McCormick Highway (G-Pin#6845-180-601) in Greenwood, South Carolina changes zoning classification from R-2 (Single Family Residential) to C-2 (General Commercial) (Title Only). – Phil Lindler, Planning Director **FIRST READING**

Chairman Brown read the title of Ordinance 2018-10.

2. Ordinance 2018-11 to amend the Greenwood County Zoning Ordinance, being Ordinance 13-86, as and if amended, so that one parcel of land owned by Emerald City Marina, approximately 0.29 acres, located at Hwy 72-221 E and Lake Greenwood (G-Pin#6879-997-084) in Greenwood, South Carolina changes zoning classification from PDD (Planned Development District) to WD (Waterfront District) (Title Only). – Phil Lindler, Planning Director **FIRST READING**

Chairman Brown read the title of Ordinance 2018-11.

3. Ordinance 2018-12 to amend the Greenwood County Zoning Ordinance, being Ordinance 13-86, as and if amended, so that 11 parcels of land owned by various individuals located at Hwy 72 W and Grange Road in Greenwood, South Carolina changes zoning classification from C-2 (General Commercial) and R-1 (Single Family Residential) to AG-3 (Agricultural) (Title Only). – Phil Lindler, Planning Director

**FIRST READING**

Reference: G-Pin #(s)

6835-140-927	6835-183-931	6835-247-995	6835-302-954	6835-208-971
6835-224-954	6835-235-936	6835-258-899		

Chairman Brown read the title of Ordinance 2018-12. Councilman Moates asked for clarification regarding the 11 parcels as stated in the title and the change to only 8 parcels as being requested. Chairman Brown stated that the title reflects the original title. Councilman Moates asked when the amendment will show up to reflect the change to 8 parcels. Mr. Lindler answered that it can be changed at any time with a motion to amend the number of parcels. It was confirmed that the public hearing has been advertised as 11 parcels.

4. Ordinance 2018-13 to amend the Greenwood County Zoning Ordinance, being Ordinance 13-86, as and if amended, changing the name of the PDD from “Planter’s Row at Palmetto Crossing” to “The Village at Palmetto Crossing” (Title Only). – Phil Lindler, Planning Director

**FIRST READING**

Chairman Brown read the title of Ordinance 2018-13.

5. Ordinance 2018-14 to amend the Greenwood County Zoning Ordinance, being Ordinance 13-86, as and if amended, changing text in Article B and removing Article L of the Greenwood County Zoning Ordinance (Title Only). – Phil Lindler, Planning Director

**FIRST READING**

Chairman Brown read the title of Ordinance 2018-14.

**DISTRICT REPORT**

***District One – Edith Childs***

- Ms. Childs presented a request for needs in District One. Her report consisted of a plea for help with the violence. She believes there must be assistance somewhere, referring to law enforcement, family, church, or media. She shared a story of an activity that had taken place in Phoenix Place where approximately 80 bullets were shot in the community where children were playing. She asked Council for ideas or help with handling the situation in the community. She stated “Enough is enough”.
- Ms. Childs also reported that the Clean-up for District One is being postponed until May 19<sup>th</sup>.

***District Two – Mark Allison***

- All is well in District Two

***District Three – Gonza Bryant***

- Mr. Bryant responded to Ms. Childs report and asked that the Police Chief and the Sheriff come together and form a task force to address the issue.

***District Four – Chuck Moates***

- Mr. Moates shares the concerns with Ms. Childs and Mr. Bryant.
- He reported on the success of the Lander Baseball team.
- He also reported on the Ball Drop at the Lander baseball field where 700 golf balls were dropped out of a helicopter. Sheriff Dennis Kelly won \$5,000. Mr. Brown added that Sheriff Kelly donated the funds back to Lander University.
- He continued by reporting on the success of the Lander Tennis team who will be hosting the Peachbelt Conference.

***District Six – Robbie Templeton***

- Mr. Templeton reported the success of the Greenwood High School soccer team.
- All is well in District Six

***District Seven – Theo Lane***

- Mr. Lane reported that he had the pleasure at the last meeting recognizing a student from Ware Shoals. He continued with his pleasure of joining Dr. Sprouse and the staff at Ware Shoals High School to judge senior projects. He stated it was encouraging that over half of the students presenting the senior projects were only juniors.
- Mr. Lane also commented to Ms. Childs that one of his concerns is regarding community policing. He feels that the community needs police officers integrated into the community and building relationships with them. He supports Councilman Bryant's recommendation that Council meet with the Sheriff and Chief of Police.

***District Five – Steven J. Brown***

- Mr. Brown shared comment in written form as quoted:

"To my fellow colleagues, I would like to make you aware of a concern of mine. As all of you know, my County Council District, No. 5, consumes the majority of the Lake Greenwood properties. This Council has taken substantive actions to protect and enhance this very valuable asset. This County spends many thousands of county tax dollars annually on this project. In the future, we will spend monies from the capital sales tax fund to further this effort. This is a continuing project even as we meet tonight.

In the past few months, several actions have been taken that I would like to note tonight:

1. Residents and business owners have approached County Council concerned about potable public water being available on Old Laurens Highway, specifically from Stoney Point Road to Harris Landing. I remind you that a portion of the Sales Tax has been approved to extend the water along this road. However, those funds will not cover the entire cost of the line being completed to the Harris Landing area. Appropriately, we

directed citizens to the City of Greenwood Commissioners of Public Works who control the water system located within the City and County of Greenwood. The CPW Commission Manager recently forwarded a response to the concerned citizens stating that they did not deem the project economically feasible and would not agree to participate in extending the line. I fully understand the economics of this project. However, the letter added that the CPW had reached out to the County of Greenwood to determine if we would consider allocating funds from another sales tax project to extend the water line. They told the citizens that the County was unwilling to provide funding. While what they reported was accurate, it inferred that the project hinged completely on full funding by the County. Moving funds from and between sales tax projects is not legal.

2. Secondly, there is a commercial project being undertaken on Highway 72/221. At the location, there is presently no public water lines. There is a portion of the roadway between the Coronaca traffic signal and Coker Road that is void of CPW water lines. When the developer approached the CPW, they agreed to extend the water line if the owners would pay approximately \$150,000. CPW Commissioners did not even offer to cost-share with the developer. When a Commissioner was approached about their decision, he responded that the CPW water system is a “municipal system”.
3. Thirdly, our Council has an on-going effort to improve the Fire Suppression capabilities in our unincorporated areas. We are spending millions of dollars annually, and those dollar amounts will have to increase in the future if we accomplish our goals. The availability of water is a key component of this effort. I fully understand that every area of the county cannot be covered by CPW water lines, but there are areas where there are water lines that could be easily extended to a point that would give us greater capacity to suppress fires. I do not know where every location is, but they often surface when there is opportunity for increased residential and commercial development in the unincorporated areas of the county. When a CPW staff person was recently asked about the site location of a hydrant, the staffer replied, “You need to understand that there is nothing about hydrants that relate to fire suppression; these hydrants are there specifically for us to be able to flush our lines”

It is my belief that the County Council and the City of Greenwood Commissioners of Public Works must realize that if present policies concerning extension of CPW water lines in unincorporated areas of Greenwood County remain intact, then the County Council’s ability to grow the County will be severely hindered and basically controlled by the CPW Commissioners. This cannot be allowed to happen.

It is a fact that our citizens in the unincorporated areas of Greenwood County, who are served by the CPW are charged a water rate that is double the rate charged to City residents. I understand that is their prerogative. It is a fact that the CPW contributes one million dollars plus each year to the City of Greenwood. That is also their prerogative. The funds collected from the CPW’s water and natural gas customers in the unincorporated areas support their ability to share funds with the City.

It is a fact that the CPW withdraws 9 million gallons of raw water daily from County-owned Lake Greenwood and does not pay a fee to the County to help support the maintenance, operations, recreation, and growth of the Lake. Understanding that the County recently approved a water withdrawal agreement with the Laurens County Water & Sewer Commission which includes the payment of funds to the County of Greenwood, and realizing our responsibility to encourage growth in our unincorporated areas of the County, I am asking County Council to consider future action to approve a reasonable raw water withdrawal fee to be paid by the City of Greenwood Commissioners of Public Works. The funds derived from this fee could be used to “grow” our County. My proposal is not about control; it is purely about mutual consideration. The County Council and City of Greenwood Commissioners of Public Works must communicate and cooperate. It can no longer be as it has been. We are all serving the same people.”

This concluded Mr. Brown’s District Report.

**MANAGER’S REPORT, County Manager Toby Chappell**

No report from the County Manager

**COUNTY ATTORNEY REPORT, Elizabeth Taylor**

No report from the County Attorney

**EXECUTIVE SESSION**

The Chairman informed Council that they needed to return to executive session for discussion of the following:

1. Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body; however, if an adversary hearing involving the employee or client is held, the employee or client has the right to demand that the hearing be conducted publicly. Nothing contained in this item shall prevent the public body, in its discretion, from deleting the names of the other employees or clients whose records are submitted for use at the hearing. **(2 Personnel Issues - Treasurers Office, Public Works)**
2. Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim. **(2 Legal Issues)**
3. Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the public body. **(Project Horseshoe)**

Councilman Lane motioned to go into executive session, seconded by Councilman Moates, and the motion carried by unanimous vote.

**ACTION: At 6:10 p.m., Council went into executive session.**

Councilman Allison motioned to exit executive session, seconded by Councilman Templeton, and the motion carried by unanimous vote.

**ACTION: At 8:30 p.m., Council returned from executive session.**

The Chairman asked for a motion to take action on an item discussed in executive session. Councilman Lane motioned to approve entering a fee agreement with Harris and White from Spartanburg with Tripp Padgett as local counsel to represent the County in any potential opioid litigation that the County may desire to bring. The motion was seconded by Councilman Bryant, and the motion carried unanimously.

**ACTION: Council approved entering a fee agreement with Harris and White from Spartanburg with Tripp Padgett as local council to represent the County in any potential opioid as stated.**

#### **ADJOURNMENT**

Chairman Brown adjourned the meeting.

Susan McIntyre, transcribed the minutes.